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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,126	08/06/2003	Roger Dennis Cornett	ZM466/03003	2082
27868	7590	03/02/2004	EXAMINER	
JOHN F. SALAZAR MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,126

Applicant(s)

CORNETT ET AL.

Examiner

DHIRU R PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2831

Specification

1. The disclosure is objected to because of the following informalities:

On page 1 line 14, "120 volts" should be either AC or DC . Applicant is responsible to review entire specification and revise as required.

On page 3 line 12, "120 volts" should be either AC or DC . Applicant is responsible to review the entire specification and revise as required.

On page 7 lines 10-11, " a low voltage transformer a low voltage end" is confusing and not clear that what is a line voltage end and a low voltage end?. The examiner interpreted as a transformer having a primary side and secondary side which is well known in the electrical art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 4, " a high voltage wiring section" is confusing because what is high voltage?. Is it AC or DC voltage ? , and what is the value of voltage, is it 460 volts or 4160 volts or 120 volts AC ?.

Art Unit: 2831

In claim 1 line 6, " a low voltage wiring section" is confusing because what is low voltage?. Is it AC or DC voltage ? , and what is the value of voltage, is it 5 volts, 24 volts or 120 volts AC or DC?.

In claim 1 line 9, " a low voltage transformer... a low voltage end". The examiner suggest change to " a low voltage transformer comprising a primary side and a secondary side " instead for improved clarity."

In claim 1 lines 13-14, " carrying high voltage current" is confusing because it is not clear that what is high voltage current?. Is it AC high voltage current ? , and what is the value of high voltage current?.

In claim 1 line 14, " current may pass" . The examiner suggest change to " may pass" instead for improved clarity.

In claim 1 line 17, " a low voltage appliance" is confusing because what is a low voltage appliance?. is it 5 volts, 24 volts or 120 volts AC or DC?.

In claim 7 line 4, " a high voltage wiring section" is confusing because what is high voltage?. Is it AC or DC voltage ? , and what is the value of voltage, is it 460 volts or 4160 volts or 120 volts AC?.

In claim 12 line 4, " a high voltage wiring section" is confusing because what is high voltage?. Is it AC or DC voltage ? , and what is the value of voltage, is it 460 5 volts or 4160 volts or 120 volts AC or DC?.

Note: use claim 1, as guide line to incorporate changes in the claims as suggested by examiner for remaining independents and dependents claims.

Art Unit: 2831

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 3- 4, 6-7, 9, 11 -12 as best understood, are rejected under 35 U.S.C. § 102(e) as being anticipated by Leppin (6,683,249).

Leppin discloses:

Regarding claims 1, 7 and 12, a body 13 (see fig 1, column 4 lines 20-25) comprising one or more sidewalls (see fig 1) and a bottom wall 15 (see fig 1,

Art Unit: 2831

column 4 lines 20-25), wherein said one or more sidewalls are connected to said bottom wall (see fig 1); a cover 12 (see fig 1, column 4 lines 20-25) removably attached to said body (see figs 1-2), forming a high voltage wiring section (a high voltage wiring section for conductors 19-20, see fig 1) , said cover comprising a recessed portion 30 adjacent to one flange 37 (see fig 2) having a raised relief in relation to said recessed portion to form a low voltage wiring section (see fig 1), wherein said one flange is adapted to accept a means 50 for attaching said cover to said body (see fig 2, column 2 lines 50-65, column 6 lines 1-45, column 10 lines 22-24), said recessed portion having an opening there through (an opening near element 35, see fig 2); a low voltage transformer 11 (see fig 1) comprising a high voltage end and a low voltage end (inherent properties of the transformer), wherein said low voltage transformer is attached to said cover (see column 2 lines 55-60, column 3 lines 39-50, column 6 lines 1-45, column 8 lines 46-50,), and said low voltage end of said low voltage transformer is disposed through said opening in said recessed portion of said cover into said low voltage wiring section; in said body , at least one entryway (for claim 1) or opening (for claim 7) for wires 16 see figs 1-2, whereby one or more wires carrying high voltage current may pass from the exterior of said body into said high voltage wiring section (see fig 1) and connect to said high voltage end of said low voltage transformer (see fig 4); and one or more wires connected to said low

Art Unit: 2831

voltage end of said low voltage transformer passing from said low voltage wiring section to a low voltage appliance (see fig 1) . With respect to said low voltage transformer being attached to said bottom (see fig 5, column5 lines 50-65). Further with respect to claim 12 for a plurality of sidewalls (see fig 1).

Regarding claims 3 and 9, wherein said low voltage transformer is removably attached to said cover (see figs1-2, column 3 lines 39-45, column 10 lines 20-25) .

Regarding claim 4, one bracket for removably attaching said low voltage transformer to said cover (see column 3 lines 39-45).

Regarding claims 6 and 11, said body is unitary (see fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims

Art Unit: 2831

was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 5 and 10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Leppin (6,683,249) in view of Cain et al (5,326,931).

Regarding claims 5 and 10, Leppin disclose all the features of the claimed invention as shown above, but fails to disclose further comprising a means for attaching said body to a wall stud. Cain et al teach the use of a housing 24 being attached to a stud 20 by a flange 21 and fasteners applied therethrough (see column 3 lines 40-45) in order to facilitate cable distribution interface unit for a building structure (see column 6 lines 25-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Leppin with a flange having opening as taught by Cain et al in order to mount on a stud and facilitate cables distribution for a building structure.

Allowable Subject Matter

5. Claims 2 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2831

The primary reason for the indication of the allowability of claims 2 and 8 are the inclusion therein, in combination as currently claimed, of the limitation of one or more of said sidewalls have a channel recessed therein and one or more of said flanges contain an entryway, said entryway is aligned with said channel for receiving said wires connected to said low voltage end of said low voltage transformer (for claims 2 and 8).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eisenberg disclose a box similar to applicant's claimed invention.

Contact information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (571) 272--1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800 ext 31.

Dhiru Patel
Primary Examiner
Group Art Unit 2831
February 18, 2004

Dhiru Patel
Primary Examiner
2/18/04